

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 468
Second Edition Engrossed 4/23/91

Short Title: Bee and Honey Act Enforcement.

(Public)

Sponsors: Representatives Albertson; and Mercer.

Referred to: Agriculture.

April 1, 1991

A BILL TO BE ENTITLED

1
2 AN ACT TO REQUIRE A PERMIT TO SELL BEES AND TO AUTHORIZE THE
3 COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR
4 VIOLATIONS OF THE BEE AND HONEY ACT.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 5 of Chapter 106 of the General Statutes is amended by
7 adding a new section after G.S. 106-639 to read:

8 "**§ 106-639.1. Permit to sell bees.**

9 Prior to selling, offering for sale, or otherwise distributing bees in North Carolina, a
10 person shall obtain a permit from the Commissioner. Application for the permit shall be
11 made on a form provided by the Commissioner, and shall be accompanied by a
12 nonrefundable fee of twenty-five dollars (\$25.00). The Commissioner may deny,
13 suspend, or revoke a permit for any violation of this Article or rules adopted to
14 implement the Article. Permits shall expire annually on December 31 and may be
15 renewed upon payment of a fee of twenty-five dollars (\$25.00). All proceedings
16 concerning the denial, suspension, or revocation of a permit shall be conducted in
17 accordance with the Administrative Procedure Act, Chapter 150B of the General
18 Statutes. No permit is required for the sale or distribution of fewer than 26 hives
19 containing bees in a calendar year, or for a one-time, going-out-of-business sale."

20 Sec. 2. G.S. 106-644 reads as rewritten:

21 "**§ 106-644. Penalties.**

1 (a) If anyone shall attempt to prevent inspection as provided in this Article or
2 shall otherwise interfere with the Commissioner of Agriculture, or any of his agents,
3 while engaging in the performance of his duties under this Article, or shall violate any
4 provisions of this Article or any regulation of the Board of Agriculture adopted pursuant
5 to this Article, he shall be guilty of a misdemeanor and shall be fined not less than fifty
6 dollars (\$50.00) or imprisoned for not more than 30 days, for each offense. Each day's
7 violation shall constitute a separate offense.

8 (b) The Commissioner may assess a civil penalty of not more than ten thousand
9 dollars (\$10,000) against a person who violates this Article or a rule adopted to
10 implement this Article. In determining the amount of the penalty, the Commissioner
11 shall consider the degree and extent of harm caused by the violation. No civil penalty
12 may be assessed under this section unless the person has been given the opportunity for
13 a hearing pursuant to the Administrative Procedure Act, Chapter 150B of the General
14 Statutes. If not paid within 30 days after the effective date of a final decision by the
15 Commissioner, the penalty may be collected by any lawful means for the collection of a
16 debt."

17 Sec. 3. This act becomes effective January 1, 1992.